

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

CORY A. RICKS; DOROTHY J. RICKS;
GREGORY C. RICKS; JERI RICKS
SWEENEY; JOSEPH PAUL BARONE;
DOROTHY DUNWOODY BARONE;
PERRY J. WIGGINS; DARLENE R.
WIGGINS; CHARLES V. LIPTHRATT;
PHILLIP H. FLOURNOY; KATHY
FLOURNOY; LANDON E. WILCHAR;
RUBY COPELAND DUKES; RALPH
V. JACKSON; BETTY W. JACKSON;
ROY L. SCARBOROUGH; JOAN P.
SCARBOROUGH; COLAN B.
STRICKLAND; COLEL LOLLIE
STRICKLAND; VIRGINIA H.
STRICKLAND; JOHN F. DEJOURNETT;
DORIS DEJOURNETT; ROBERT V.
JONES; HARRY LEROY HERRING,
and MARY ANN HERRING,

Plaintiffs,

vs.

HONEYWELL INTERNATIONAL, INC.,
formerly known as ALLIED CHEMICAL
CORPORATION and as ALLIEDSIGNAL
INC.,

Defendant.

CIVIL ACTION NO.: CV205-172
(Lead Case)

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.
2006 MAR 13 PM 3:09
CLERK *J. de Vito*
SO. DIST. OF GA.

ORDER

Plaintiffs have filed suits seeking damages for alleged contamination to real estate. Defendant Honeywell International, Inc., filed a "Motion to Join the State of Georgia as a Necessary Party" in the captioned cases, pursuant to FED. R. CIV. P. 19. Plaintiffs have filed a response. On February 17, 2006, the Court conducted a telephone conference with counsel for Plaintiffs and Defendant. During that conference, the Court expressed concern as to whether adding the State of Georgia as a party would destroy subject matter jurisdiction in this diversity case and whether the State of Georgia is an

indispensable party as described in FED. R. CIV. P. 19(b). The parties have submitted briefs on those issues, and the Court has scheduled a hearing for 10:00 am on March 27, 2006.

The Clerk is authorized and directed to serve a copy of Defendant's Motion to Join the State of Georgia as a Necessary Party and the Memorandum in Support (Doc. Nos. 46, 47), Plaintiffs' Response to said Motion (Doc. 51), Defendant's Reply (Doc. 55), Defendant's Supplemental Briefing in Support of its Motion to Join the State of Georgia as a Necessary Party (Doc. 59), and Plaintiff's Supplemental Brief in Response to Defendant's Rule 19 Motion (Doc. 60), upon the Attorney General of the State of Georgia so that the State may submit any desired brief on the issues, and participate in the March 27, 2006, hearing if it so desires.

SO ORDERED, this 13th day of March, 2006.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE